

April 7, 2016

## 2016 NATIONAL WETLAND PROGRAM TRAINING WORKSHOP

### Session Overview

1. **Title of session:** CWA Section 401(a)(2)
2. **HQ Lead and Regional Co-Lead(s):** Peter Swenson, Region 5
3. **Regional Co-Lead participating via conference call (Y/N):** No
4. **Brief description of the session:** Discuss recent developments in Regions regarding 401(a)(2). Region 5 will highlight two activities:
  - A completed action on Singleton Quarry
  - An potential upcoming action on Northmet mine

Other Regions are asked to share any experiences or upcoming activities.

5. **Main objectives and specific outcomes/goals of the session:**

Provide information that might be helpful to Regions working with 401(a)(2)  
 Try to reach consensus on expectations for when this provision might be invoked,

6. **Discussion questions for session:**

7.
  - *What types of projects are most likely to raise concerns in downstream states/tribes?*
  - *Do we all agree on the scope of 401(a)(2) with regard to secondary impacts?*
  - *What can EPA do to improve communication and potentially avoid surprises related to cross border water quality concerns?*
  - *What particular issues do we foresee arising in tribal areas?*
  - *What do Regions see as the biggest barriers to implementing 401(a)(2)?*
    - *Process issues*
    - *Substantive issues*
  - *Should we be working with the Corps to come to an understanding of the process?*

8. **Read-ahead material (Y/N):** Y

CWA Section 401(a)(2)  
 EPA Regulations at *40 CFR 121.13*  
 Corps Regulations at *33 CFR 325.2(b)(1)(i)*

9. **PowerPoint (Y/N):** No